

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ANDREW LOFTIS,  
TDCJ #542783,

Plaintiff,

v.

BRIAN SMITH,

Defendant.

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CIVIL ACTION NO. H-06-2452


**FINAL JUDGMENT**

For the reasons set out in the Court's *Memorandum and Order* of even date, this case is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted at this time. The dismissal is without prejudice to refiling once the plaintiff has exhausted his administrative remedies.

This is a **FINAL JUDGMENT**.

The Clerk shall provide a copy of this order to the parties.

SIGNED at Houston, Texas, on **July 31, 2006**.

  
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Nancy F. Atlas  
United States District Judge